

JUN 23 2005

FAX TRANSMISSION**DATE:** June 23, 2005**PTO IDENTIFIER:** Application Number 10/726,625-Conf. #5742
Patent Number**Inventor:** Harry A. Dugger, III**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
James W. Brady, Jr.**PHONE:** (202) 775-4786**Attorney Dkt. #:** N9810.0033/P033**PAGES (Including Cover Sheet):** 5**CONTENTS:** Transmittal Form (1 page)
Comments on Examiner's Statement of Reasons for Allowance (2 pages)
Certificate of Transmission (1 page)

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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street NW, Washington, DC 20037-1526
Telephone: (202) 785-9700 Facsimile: (202) 887-0689

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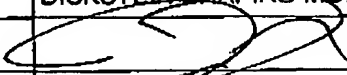
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/726,625-Conf. #5742	
	Filing Date	December 4, 2003	
	First Named Inventor	Harry A. Dugger, III	
	Art Unit	1616	
	Examiner Name	M. Haghighatian	
Total Number of Pages in This Submission	4	Attorney Docket Number	N9810.0033/P033

ENCLOSURES (Check all that apply)

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Firm Name	DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP		
Signature			
Printed name	James W. Brady, Jr.		
Date	6/23/05	Reg. No.	32,115

DSMDB.1940855.1

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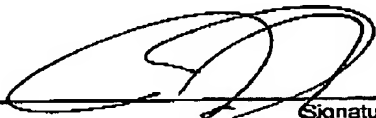
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Attorney Docket No.: N9810.0033/P033

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JUN 23 2005

Docket No.: N9810.0033/P033
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Harry A. Dugger, III

Application No.: 10/726,625

Confirmation No.: 5742

Filed: December 4, 2003

Art Unit: 1616

For: BUCCAL, POLAR AND NON-POLAR
SPRAY OR CAPSULE CONTAINING
DRUGS FOR TREATING PAIN

Examiner: M. Haghighatian

**COMMENTS ON EXAMINER'S STATEMENT
OF REASONS FOR ALLOWANCE**U.S. Patent and Trademark Office
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Arlington, VA 22314

Dear Sir:

The Applicant thanks the Examiner for the courtesies extended to Applicant's representative during a telephone conversation on June 16, 2005. As noted during the telephone conversation, the May 18, 2005 Notice of Allowance did not indicate that the Supplemental Information Disclosure Statement (IDS) filed May 13, 2005 was considered. The Examiner indicated that she would consider the IDS and forward an initialed copy to the Applicant.

Applicant agrees in part with the Examiner's statement for allowance contained in the Notice of Allowance of May 18, 2005. WO 94/13280 refers to a sprayable analgesic composition. However, WO 94/13280 does not refer to any suitable active agent beyond acetaminophen and ibuprofen. WO 94/13280 does not disclose, for example, naloxone, nalmefene, naltrexone, cholecystokinin, nociceptin, neuropeptide FF,

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oxytocin, vasopressin, frovatriptan, zolmitriptan, rizatriptan, almotriptan, eletriptan, naratriptan, almotriptan, ergotamine, diethylergotamine, sumatriptan, alfentanil, butorphanol, codeine, dezocine, fentanyl, hydrocodone, hydromorphone, levorphanol, meperidine, methadone, morphine, nalbuphine, oxycodone, oxymorphone, propoxyphene, pentazocine, sufentanil, tramadol, benzonatate, bupivacaine, desflurane, enflurane, isoflurane, levobupivacaine, lidocaine, mepivacaine, prilocaine, propofol, rapacuronium bromide, ropivacaine, sevoflurane, or ketamine.

EP 656 206 refers to an aerosol formulation for oral and/or nasal administration including actives such as antihistamines, antiallergics, analgesics, antibiotics, steroids, and bronchodilators. EP 656 206 does not disclose a propellant in an amount between 2 and 10 percent nor does EP 656 206 mention delivery to the buccal mucosa.

Dated: 6/23/05

Respectfully submitted,

By 

James W. Brady, Jr.

Registration No.: 32,115

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorney for Applicant